

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/04217

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61K31/05 A61P1/04

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, MEDLINE, EMBASE, BIOSIS, FSTA, CHEM ABS Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>DATABASE BIOSIS 'Online! BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US; November 2001 (2001-11) URWYLER STEPHAN ET AL: "Positive allosteric modulation of native and recombinant gamma-aminobutyric acidB receptors by 2,6-di-tert-butyl-4-(3-hydroxy- 2,2-dimethyl-propyl)-phenol (CGP7930) and its aldehyde analog CGP13501." Database accession no. PREV200100556739 XP002245722 cited in the application abstract &amp; MOLECULAR PHARMACOLOGY, vol. 60, no. 5, November 2001 (2001-11), pages 963-971, ISSN: 0026-895X</p> <p>-/--</p>	1-4



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

Date of the actual completion of the international search

30 June 2003

Date of mailing of the international search report

11/07/2003

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	----- US 6 117 908 A (ANDREWS PAUL L R ET AL) 12 September 2000 (2000-09-12) column 1, line 54-63 column 2, line 39-42 claims 1-3	1-4
Y	----- WO 01 41748 A (NOVARTIS ERFIND VERWALT GMBH ;NOVARTIS AG (CH); PFANNKUCHE HANS JU) 14 June 2001 (2001-06-14) page 1, paragraph 4 page 3, paragraph 4 page 9, paragraph 2 page 13, paragraph 4	1-4
Y	----- WO 01 90141 A (MERCK FROSST CANADA INC ;NG GORDON YIU KON (CA)) 29 November 2001 (2001-11-29) page 2, paragraphs 3-8 page 7, line 22-30 page 10, line 20-31 claims 38-40 -----	1-4

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## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 1, 4 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 1-4 (partially)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1-4 (partially)

Present claims 1-4 relate to a compounds defined by reference to a desirable characteristic or property, namely that they behave as positive allosteric modulators of GABA-B receptors.

The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compounds by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the specific compounds mentioned on p. 1, paragraph 3 of the description, with due regard to the general idea underlying the functional definition of the referred compounds.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6117908	A	12-09-2000	AU 714370 B2	23-12-1999
			AU 4406497 A	14-04-1998
			BR 9711400 A	17-08-1999
			CN 1237105 A	01-12-1999
			CZ 9900930 A3	15-09-1999
			EE 9900095 A	15-10-1999
			EP 0936906 A1	25-08-1999
			HU 9903825 A2	28-05-2001
			JP 2001501604 T	06-02-2001
			KR 2000036185 A	26-06-2000
			NO 991287 A	17-03-1999
			NZ 334495 A	29-09-2000
			NZ 504244 A	29-09-2000
			PL 332497 A1	13-09-1999
			RU 2199316 C2	27-02-2003
			WO 9811885 A1	26-03-1998
			SK 30599 A3	18-01-2000
			TR 9900591 T2	21-07-1999
WO 0141748	A	14-06-2001	AU 2672801 A	18-06-2001
			BR 0016275 A	27-08-2002
			CA 2388959 A1	14-06-2001
			CN 1409634 T	09-04-2003
			CZ 20021967 A3	14-08-2002
			WO 0141748 A2	14-06-2001
			EP 1286668 A2	05-03-2003
			NO 20022680 A	12-08-2002
WO 0190141	A	29-11-2001	WO 0190141 A2	29-11-2001